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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,893

11/24/2003

Sivaprasad Padisetty

MSFT125957

5309

45840

7590

07/01/2009

WOLF GREENFIELD (Microsoft Corporation)
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER

WAI, ERIC CHARLES

ART UNIT

PAPER NUMBER

2195

MAIL DATE

DELIVERY MODE

07/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/720,893</p>	<p>Applicant(s) PADISETTY ET AL.</p>	
	<p>Examiner ERIC C. WAI</p>	<p>Art Unit 2195</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: _____.
Claim(s) rejected: 1-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

Continuation of 11. does NOT place the application in condition for allowance because: Regarding claims 1 and 8, Applicant argues on pg 9 of Remarks:

"As the Office Action points out, Jones discloses a "coordinator" which forwards execution instructions to a group of server computers and manages the processing performed by the server computers (p. 326). Jones discloses that the coordinator oversees processing performed by a number of servers, and states that it "coordinates server actions," "handles the I/O associated with the imaging processing tasks," "create[s] the server module, [...] create[s] a number of server processes, [...] instantiate the communication mailboxes and [...] access the image slices" (p.326). However, Jones says nothing about the coordinator executing a portion of a sequence of tasks in connection with execution of other of the sequence of tasks assigned to other peer computers in the group, as required by each of claims 1 and 8. The coordinator of Jones is nothing more than the type of centralized controller which Applicant describes as being conventional (see, e.g., [0002]- [0003] of Applicant's specification)." (Emphasis added)

Examiner disagrees. As indicated in the previous Office Action dated 04/24/2009, Jones teaches that the Coordinator process also handles the I/O associated with the image processing tasks (pg 326, col 1, "The Coordinator", paragraph 1; col 2, paragraph 2). Therefore, the coordinator module executes sequences of tasks assigned to it (i.e. overseeing processing) which is "in connection" with the execution of other sequences of tasks assigned to the peer computers. Therefore, the claim language does not clearly distinguish from the conventional centralized controller as argued by Applicant.

Regarding claim 15, Applicant argues on pg 10 of Remarks:

"It should be appreciated from the discussion above relating to claims 1 and 8 that Jones fails to disclose or suggest an execution agent programmed for both (1) forwarding execution instruction information to the other peer computers in the group, and (2) executing a portion of the sequence of tasks in connection with execution of other of the sequence of tasks assigned to the other peer computers."

Examiner disagrees. Jones teaches the invention as argued above. Furthermore, an agent is defined as a program that performs a task for a user (Microsoft Computer Dictionary, 5th Edition, 2002). Since Jones teaches the use of Modules that are used for carrying out functions, such modules are analogous to the execution agents of claim 15..